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Speech of Mr. SICKLES, of New York, in the House of Representatives, February 20, 1864.

A SPEECH

OF

THE HOUSE OF REPRESENTATIVES, FEBRUARY 20, 1864.

BY

MR. SICKLES, OF NEW YORK.

IN

MR. COLFAX'S POSTAL SERVICE SUSPENSION ACT.

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S P E E C H .

The House having resumed the consideration of Mr. COLFAX'S bill suspending the postal service, in certain cases—

Mr. SICKLES, of New York, obtained the floor :

Mr. SPEAKER: There is a legal necessity for the passage of a bill of this character. There is no power in any of the seceding States to protect the mails of the United States. There is no power in any of the seceding States to punish any criminal offence which may be perpetrated upon the mails. As there are no courts there which would entertain jurisdiction of any offence charged to have been committed against the United States, therefore, *ex necessitate rei*, the Government of the United States must either subject the mails to the hazard of every possible trespass and depredation, or else withhold them from the insurgent States.

Mr. HINDMAN. Will the gentleman yield to me for a moment?

Mr. SICKLES. With pleasure.

Mr. HINDMAN. While I shall vote for this bill, acknowledging as it does the independence of the seceding States, yet, sir, my impression is, that in the seceding States the laws of the United States not specially declared null and void are expressly continued in force.

Mr. SICKLES. My attention had not yet been called to that extraordinary inconsistency. I have yet to hear of the principle upon which a sovereign State asserts its independence, and still allows the laws of a foreign jurisdiction to be enforced within its boundaries; and I presume that no State holding the dignified attitude which these States claim as independent sovereignties, will occupy such a position.

Mr. HINDMAN. I have no desire to interrupt the gentleman unnecessarily. I do not understand it is the intention of the seceding States that the United States shall enforce its laws within their limits; but those laws having been enacted, and they having previously submitted to their enforcement within their limits, they, of their own act, and by their own authority, provide for their future enforcement until such time as they shall deem fit to declare their repeal. In that I see nothing derogatory to their assumption of authority.

Mr. SICKLES. The gentleman from Arkansas is a good lawyer; and I am quite confident, if he were intrusted with the defence of a person accused of a crime upon the mails of the United States, and the indictment was drawn in the State of Louisiana, charging that certain offences had been committed by a citizen of that State against the property and in violation of the laws of the United States, he would very speedily find the way to put in a demurrer which would effectually screen the offender. I know, sir, that where we have recognized the independence of a State, we can, by treaty, provide for the security of our mails in the jurisdiction of a foreign State. But that is not this case.

The independence of these States has not been recognized by this Government. It has not yet been recognized anywhere or by any Government. At least, it will be conceded that it is a question in abeyance. In that position the measure proposed is the only one consistent with principle. Certainly it cannot be objected to as a coercive proposition. Far from it. As such I could not vote for it. It

simply amounts to this: that you propose to suspend the operation of laws, the enforcement of which is impossible. We mean to withdraw our property from a jurisdiction wherein there are formidable impediments to its protection. So far as this is a question to be considered with reference to private inconvenience, the merchants of New York will suffer, in a pecuniary point of view, one hundred fold more than the merchants of the South. The seceding States are indebted millions upon millions to the city of New York. A large portion of this indebtedness is wholly unavailable. Of the bills receivable, payable by the seceding States, which matured in January and February, not twenty per cent. has been paid. And this is the very season of the year when the remittances, if honorably met, are forwarded. They have not been met, I regret to know. The balance of trade is entirely against the seceding States. Nor would it be safe, in the present relations between the United States and the seceding States, to forward remittances by mail between the seceding States and the remaining States of the Union.

For the purpose of illustration, select from the large number of offences punishable under the several acts defining crimes against the postal service, the seizure of mail bags, the manufacture of postage stamps, the appropriation of letters or their contents, the violation of a seal covering the dispatches of the Government or of private correspondence. The Constitution, Art. 3 and Art. 6 of the Amendments, requires the offender to be tried in the State and district where the offence is committed. We have no courts in the States to which this bill applies. You say you have adopted certain laws of Congress, and hence your own courts would have jurisdiction. The United States would not go into your courts to prosecute anybody. You say you are a foreign jurisdiction. Well, suppose we trust our mails to your protection, and to your prosecution of persons who commit depredations. Would you ever convict anybody for rifling a mail bag of a Government dispatch, or of mail matter going to a place upon which you wished to make reprisals? Never. We send our mails *in transitu* from one foreign State to another, in time of peace, where by treaty we have secured their protection under the laws of the country through which they are transmitted. But it would be mere folly to send our mails to Florida, while her troops are encamped before Fort Pickens. And if a series of belligerent acts, vast military preparations, and loud menaces of war, authorize us to anticipate that a hostile relation may exist between any of the States and the Government of the Union, then, unless we are restrained by a romantic magnanimity, it is certainly proper to authorize the Postmaster General to discontinue the service within their limits. The seizure of the proceeds of the revenue, as well from postages as from imposts, is alone a sufficient reason for this measure. The funds belonging to the United States are not available to it in Mobile, New Orleans, Charleston, or Savannah. When the proceeds are not safe, the service must stop. Revenue cutters, arms, public buildings, barracks, navy yards, bullion, have been appropriated already. The mails may be overhauled next, if we do not withhold them.

It is contended that such a discrimination against localities is unconstitutional; but, surely, there is nothing in this objection. It is simply a question of administration. If a state of things is created by a particular locality which makes it inconvenient for us to suffer public or private property to go there, we must either send with it a sufficient force to protect it, or else not send it at all. I prefer the latter, because it is not coercive. Besides, a constitutional objection will not come with much gravity in behalf of those who look with complacency, if not with commendation, upon the wholesale usurpation of power by the Governors and Legisla-

tures of their own States. Georgia and Louisiana seized our forts and arsenals before their secession conventions met. Florida, with equal precipitation, sent an armed expedition, with the aid of troops from Alabama and Mississippi, against the Navy Yard at Pensacola. Mississippi stationed troops on the river at Vicksburg, to intercept reinforcements going to the forts in Louisiana. The Governor of Mississippi, in a recent message to his Legislature, solicits an act of indemnity for his extraordinary measures. Louisiana requires all duties on goods passing up the Mississippi river to be paid at New Orleans. There are twenty ports of delivery in the western and south-western States, to which dutiable merchandise may be transported in bond from the port of New Orleans. The amount of duties collected at these ports is over \$500,000 per annum. This sum Louisiana proposes to take for herself, or else seize the goods. Of course, all payments so made must be lost to the importers, for the duties must be paid to the United States, and we have no Collector at New Orleans. The principal ports upon which this blockade has been established are St. Louis, Cincinnati, Louisville, Memphis, and Nashville. Ohio and Missouri, and Kentucky and Tennessee, will not be long in applying a vigorous remedy at the mouth of the Mississippi, if this Government shall not remove the blockade. Meanwhile, the commerce of New Orleans will be transferred to New York—not soon to return.

Mr. Speaker, just so far as you can suspend the operation of your laws upon the seceding States, you obviate the necessity of coercive measures to be initiated by the Government of the United States. In the present state of affairs, I would confine the Government of the United States strictly—as far as it is possible to do it consistently with the acts of the seceding States themselves—to a defensive line of policy, protecting the public property, the public vessels, which are indisputably ours, and especially those fortified places where jurisdiction has been ceded to us by the States themselves. Taking this position, I would defend it firmly; I would defend it adequately, without yielding to menaces, or to violence from any quarter, whether proceeding from the revolutionized States themselves, or from the allies they may seek elsewhere. [Applause.]

But, with reference to affirmative measures to be adopted on the part of the Government of the United States, I would pause to draw a broad and clear line of distinction between postal laws, which can only be enforced within the territorial jurisdiction of a State, aided by the magistracy, and revenue laws, which can be executed by the President at places lying within the exclusive jurisdiction of the United States. The machinery of the postal service penetrates to every village in a State, and covers all its territory. With respect to the revenue laws, they are not administered by internal machinery—at least, to any considerable extent. They may be enforced as Congress authorized General Jackson to enforce them—by a ship-of-war lying off the harbor, and not encroaching upon the territorial jurisdiction of a seceding State. But the postal service cannot be so maintained. The postal service cannot be continued and sufficient protection given to the mails, without placing within the territorial jurisdiction of a seceding State the armed power of the United States. This results from the absence of courts or other civil authority yielding allegiance to the Government of the United States, competent to protect property and preserve the peace.

The United States judges have resigned, and you cannot expect that a court or jury in any of these seceding States will convict a man of an offence against a power with which they are at war. Wherever the flag of the United States cannot

go ; wherever the authority of the United States is contemned and repelled—there I would not trust the property of the United States. If the money, if the bullion in the mint at New Orleans is not safe from spoliation ; if they are willing in Louisiana to imitate the Mexican policy of depredation upon property, how, sir, could you intrust your mails, with the property of your citizens, with the dispatches of your Government, within the same jurisdiction ? You cannot do it.

Mr. HINDMAN. Will the gentleman, under the head of spoliation, be kind enough to explain the recent proceeding in New York city, in which the property of southern men was pillaged ?

Mr. SICKLES. I have yet to learn that the arms to which the gentleman alludes belong to southern men. No claimant has appeared, and I am glad to know it. These arms were not “pillaged.” Upon information alleging that they were to be used for an unlawful purpose, they are held by the police until a legal investigation shall confirm or remove this suspicion. It is the duty of the police to prevent crimes. Mr. TOOMBS, I am reminded, sent a telegraphic dispatch of an extraordinary character to the Mayor of New York, to which he sent a reply equally remarkable. [Laughter.] If I had been the Mayor of New York, I would have sent a different answer to the message of Mr. TOOMBS, and especially in view of the menace which was at the end of it. He admonished the Mayor of New York that it was important for New York that Georgians should know whether the act was justified. The loyalty of New York to southern rights should have exempted the city from insult. The Mayor should have repelled it. If I had been Mayor of New York, I would have sent this answer : “The authorities of New York had no information whether or not those arms were to be used in an insurrection of the character which John Brown initiated, or of the character which Mr. TOOMBS and others began in the State of Georgia when, without any color of authority, and before the secession convention met, Georgia seized upon the forts and the arms of the United States ; but, in either event, the arms were to be used, as we believed, for the purposes of insurrection, and, therefore, in the preservation of the public peace, I seized them, and will hold them against all comers, until I am required to release them by the law of the land.” [Applause in the galleries.] To the profound regret and humiliation of our citizens, the Mayor of New York was so unmindful of what was due to the city and to his own position, as to send the craven answer to which he appended his name. Mr. Jefferson, in 1807, crushed the insurrection of Aaron Burr—whose mischievous genius first projected a Southern Confederacy—by dispatching orders to every intersecting point on the Ohio and Mississippi, from Pittsburg to New Orleans, for the employment of such force, either of the regulars or of the militia, and of such proceedings also of the civil authorities as might enable them to seize on all the boats and stores provided for the expedition, to arrest the persons concerned, and to suppress effectually the progress of the enterprise.*

*Speaking of Burr and his disunion movement, Jefferson says, in his message of January 22, 1807 : “He found at once that the attachment of the western country to the present Union was not to be shaken ; that its dissolution could not be effected with the consent of the inhabitants, and that his resources were inadequate, as yet, to effect it by force. He took his course then at once, determined to seize on New Orleans, plunder the bank there, possess himself of the military and naval stores, and proceed on his expedition to Mexico ; and to this object all his means and preparations were now directed. He collected from all the quarters where himself or his agents possessed influence, all the ardent, restless, desperate and disaffected persons who were ready for any enterprise analogous to their characters. He seduced good and well-meaning citizens, some by assurances that he possessed the confidence of the

But to resume the current of my argument at the point where I yielded to the interruption of my friend from Arkansas. Let us not, at a crisis like this, confound ideas. Let us not confuse our proceedings by a failure to discriminate carefully between what we may rightfully do in the discharge of our duty and what would be rash and unwise to do in yielding to passions. To administer this Government, to protect its property, to guard its mails, to hold the scales of justice even and true as between those who are and those who are not in harmony, is not aggression, but is the simple and honest discharge of our sworn duty. To that extent I would go; no further. The President of the United States has solemnly announced to the people of this country that he will not adopt the policy of coercion. It has not been adopted. The Congress of the United States, in the presence of events which all concede to be revolution, has abstained from force, retaliation, or punishment. Remembering the defiant and offensive responses to this policy, it only escapes the disgrace of being pusillanimous, because it is conceived in forbearance, in fraternal affection, in the hope that peace may be restored; for if we accept the declaration that there must be an appeal to the sword, then, sir, none of us desire to be held responsible for tolerating a series of events which have reduced this Government—as if it were powerless, indeed, to prevent them—to a condition as contemptible as its position among the nations of the earth has been lofty.

Again, I say, there has been no coercion attempted. The most abundant proof has been given of the sincere desire of the Government for peace. The magnanimous policy of the President has been followed by insults to our flag; by the expulsion of the United States troops and authorities, from Navy-yards and forts and arsenals; by measures to control the vast commerce of the Mississippi river and its tributaries; by the seizure of national ships; and by flagrant acts of spoliation upon the public property. While we are here deliberating upon measures of honorable and fraternal compromise, envoys have been sent abroad to request the Cabinets of Europe to sit in council, as they are sitting this moment, not upon the “sick man” of Turkey, whom they have had before them for years, but upon the paralyzed and impotent United States of America. They are invited to determine what share they will appropriate to themselves of our dismembered Confederacy; and how far they will interfere to complete the anarchy produced by the confessed and apparently demonstrated inability of the Government of the United States to make its authority respected.

There cannot be a member of this House who would not shrink from his share of responsibility for the degradation of the Government, unless he could find some adequate palliation for its forbearance: we have believed that while our inactivity may subject us to misapprehension elsewhere, while it has exposed the authority of the United States to contemptuous insubordination, and has offered impunity to offences which bring pain to the heart of every patriot in the land:—yet that looking to the origin of the discontent and considering the relations between the States and the Government of the Union, we have hoped that magnanimity and moderation at the outset might lead in the end to reconciliation and peace.

Now, sir, with reference to the suggestion of the distinguished gentleman from North Carolina, deprecating the application of this measure to his State, his loyal,

government, and was acting under its secret patronage; a pretence which obtained some credit from the state of our differences with Spain; and others by offers of land in Eastrop's claim on the Washita.”

his noble, his gallant State, or to any other which yet remains within the Union, where we have a magistracy, where we have the means of enforcing the laws legitimately and regularly: why, sir, I venture to say, that no man in this House would be guilty of so gratuitous an impeachment of the loyalty of any State, 'as to tolerate such a proposition. In the application of this law it can only be extended, in the nature of things, to States which have by their own solemn act repudiated our jurisdiction, and deprived us of all possible means of protecting the service except by force of arms.

Mr. BRANCH. I must have been singularly unfortunate if the gentleman from New York understood me as saying that I apprehended this law would be executed in North Carolina by discontinuing the mail service. What I said was this, and the position which I took—and the one to which the gentleman from New York must address himself, if he desires to reply to me—was, that when this law has been executed in the State of Mississippi, for instance, a citizen of North Carolina, who has property in Mississippi, or who has family connections in Mississippi, or who, from any other cause, has occasion to have communication by letter with the State of Mississippi, cannot have his letter transmitted to its destination, because, when it comes to the border of Mississippi, this Government refuses to carry it any further itself, and will make no arrangement with Mississippi for carrying on such letter, as the merchant of New York has arrangements made for, to carry his letters into the interior of Canada.

Mr. SICKLES. I am obliged to the gentleman from North Carolina for calling my attention to the distinction which he has made. It escaped my notice, though I gave his remarks that attention which I always pay to whatever falls from his lips. The argument, then, of the gentleman from North Carolina is one of mere personal inconvenience; but that cannot apply to North Carolina in any degree to be compared with its temporary bearing upon the business intercourse of my own constituents with the Gulf States. We send thousands of letters to Louisiana, Georgia, and Mississippi, where North Carolina sends one. I deprecate the obvious inconvenience to which allusion has been made, but it is unavoidable. By and by, should there be no reconciliation, should the people of the different sections agree to separate, having found it impossible to get along together—undoubtedly, when that state of things arises, postal arrangements will be entered into, like our postal conventions with foreign nations; like the postal organization which exists among the States represented in the German Diet, or like the postal arrangement which exists between this country and Canada, and to which the gentleman has referred. Whenever such a relation to these States becomes an established fact, it would be folly to refuse to enter into convenient stipulations of the character usually adopted to regulate the intercourse between the people of distinct and independent nations.

But this is not the question now. This Congress cannot recognize any other than the normal condition of these States; the President cannot recognize them as independent. In the meantime what will you do? Will you preserve and enforce the respect due to our flag? Will you protect the places and property conceded to be within the exclusive jurisdiction of the Government, or not? That is the simple question. Certainly, sir, I am sure that the chivalrous men who are leading this movement in the Southern States, will scorn to receive the benefits of our postal laws, while they repudiate the obligations of our revenue laws. They must mean one thing or another. They cannot intend to remain, like Mohammed's coffin, between heaven and earth, neither in or out of the Union, getting all the benefits that they can secure, and subjecting us to all its burdens. What do they

say? They say they are willing to accept the postal service; but that we shall not collect the revenues, which would go towards defraying the expenses.

Mr. BRANCH. I would ask the gentleman from New York to specify in what State they have refused to allow the collection of the revenue from postages?

Mr. SICKLES. Oh, sir; from *your object*? I do not know.

Mr. COLFAX. With the gentleman's permission, I will state that some of the postmasters in Alabama, when drafts have been drawn upon them by the Sixth Auditor of the Treasury for the Post Office Department, have answered that they would wait until they could ascertain the action of their State before paying the drafts.

Mr. BRANCH. Those are cases of individual postmasters; but I would ask the gentleman from Indiana, if he has any information that in any instance, in the States that have attempted to secede, the public authorities have interfered with the collection of the revenue from postages? I would ask him this additional question, while I am up: whether the Postmaster General has not, under existing laws, full power to discontinue the service in all such cases as he has alluded to, by abolishing the offices, or even discontinuing the mail service entirely?

Mr. COLFAX. I will answer the gentleman, that there is evidence in the Post Office Department that the mails are tampered with in the States that claim to have seceded; and there is no authority by which you can protect the letters against being tampered with. A man may take letters that do not belong to him from the mail, in the public streets, and open them, and there is no tribunal before which he can be brought for that offence. I will add that it is well known that the correspondence between this Government and Major Anderson, at Fort Sumter, was stopped by the authority of the Governor of South Carolina, until the Governor saw fit to allow it to continue; and it is now continued only by his toleration.

Mr. SICKLES. I suppose, sir, that gentlemen holding public stations, as postmasters, in those States, pay over what they receive to the sub-Treasuries in their vicinity: and then, as we have seen in Louisiana, the State authorities, after it has been collected in one mass, appropriate it to the local government. In that way, all the receipts from the postal service, and from imposts, and all the deposits belonging to the United States in those sub-Treasuries, are diverted to the insurgent States. Generally, in the sub-Treasuries and mints there are large amounts of money and bullion belonging to private individuals, which are placed there upon deposit, or for coinage, or to be assayed, or to be stamped for exportation. Whilst we cannot protect private or public property, for the same reason that I would have suspended the mint at New Orleans a month ago, if a proposition had been brought forward for that purpose—because I could not provide for the security of the public and private property there—for that very reason I will now, in view of these acts of spoliation, withdraw the mails from a jurisdiction where they are not safe.

Mr. Speaker, we must not close our eyes to the new phases which events have successively put upon the secession movement. It originated, sir, as a peaceful remedy for grievances. As such, it had thousands and tens of thousands of friends at the North who were disposed to meet it on middle ground, and say, "If you cannot abide with us, bitter as the lesson may be, we will yield to the necessity for a separation." That was the December phase of the secession movement. In January it assumed a new attitude. No longer peaceable: no longer disposed to await the consent of the Government or the deliberations of Congress, forcible possession was taken of our forts and arsenals and arms and ships: our flag was

fired upon, and the authority of the Government contemned; and we are menaced, as the penalty of resistance, with all the terrors of civil war. When this new aspect of the secession movement was presented, the northern partisans of the southern cause who, up to December, defended it manfully, became only the apologists of the indefensible acts of their friends. In February, secession assumes another and yet more questionable shape. I can only characterize it as the Mexican method of revolution. When Robles or Miramon or Santa Anna issue a revolutionary *pronunciamento*, and a government convoy of specie comes within their reach, it is seized upon: and they say, "We will count every dollar of the coin, and when we settle our quarrel with you, why then the money will all be safe, and we will pay it over." Let us not forget that when the populace of Paris drove Louis Philippe from the Tuilleries, although they startled the shade of Louis XIV. with the shouts of "Liberty, Equality, and Fraternity," which resounded through the palace of so many kings, they did not soil their hands or sully their cause by the appropriation of property which did not belong to them. [Applause.]

Mr. WINSLOW. I would ask the gentleman if he has any information that any money whatever belonging to the Government of the United States has been seized by the governments of the seceding States?

Mr. SICKLES. Yes, sir; I have it from the Treasury Department.

Mr. WINSLOW. I speak now with reference to the sub-treasuries.

Mr. SICKLES. I speak of the bullion belonging to the United States—about nine tons of silver—seized the other day in New Orleans.

Mr. WINSLOW. Does the gentleman rely upon newspaper reports?

Mr. SICKLES. No; upon official information.

Mr. WINSLOW. The same as that published in the newspapers?

Mr. SICKLES. Substantially the same; but worse, I am sorry to say. There has been another mint seized in Georgia, which is to be held for our benefit at some future day in the general settlement. Now, that may be very safe, but I am not disposed to put the mails in the same process of liquidation; the drafts and warrants on the sub-treasuries, and accounts of the postmasters in the seceding States, and all the machinery of the Government which relates to the public funds, would not be in a good condition of administration under such circumstances.

But, sir, to resume at the point where I yielded to my esteemed friend from North Carolina, [Mr. WINSLOW,] and to bring these remarks to a close, I wish to call the attention of gentlemen again to the new phases which the southern cause has assumed in those places where reason and patriotism are made to yield to the passions of the hour. In December, it was peaceable secession, if you could not obtain guarantees for security and justice. Then you had troops of noble friends in New York. We could agree to that. I was for it. In January, it was the immediate and forcible expulsion of the United States authorities from even the limits of their exclusive jurisdiction—from their custom houses, postoffices, treasuries, navy yards, ships, arsenals, and forts. Then your friends in the North were transformed into timid apologists. In February, secession is spoliation and war. What next? Let us not lift the veil. But I will say, in the presence of this new and latest phase of the revolution, that it can have no friends in the North; it can have no apologists in the North; and, if these aggressive and predatory enterprises are sanctioned by the authorities and the public opinion of the alienated States, it will soon be difficult to find a respectable exception to the general denunciation which they must encounter from the loyal and patriotic citizens of this country.



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